## Remarks/Arguments

The Office Action mailed September 3, 2008 has been reviewed and carefully considered. No new matter has been added. Claims 1, 4, 7, 10, 13, and 16-19 have been amended. Claim 2 has been cancelled without prejudice. Claims 1 and 3-19 are pending in this application. Reconsideration of the application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 1, 2, 4, and 6-15 stand rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter.

With respect to Claims 1, 2, 4 and 6, the Examiner has stated that these claims lack the necessary physical articles or objects to constitute a machine or manufacture. Claim 1 has been amended and now recites "an indicator *device* for providing a plurality of *user discernable* indicators". In order for the indicator device to provide a plurality of user discernable indicators, such device would conceivably have to provide an audible, visual, or tactile indicator, all of which would require hardware such as, for example, a speaker, a monitor, and a vibration device, respectively. In fact, the Applicant's specification describes the indicator as, for example, a light emitting diode (LED) (p. 5, line 21) and/or a speaker (p. 5, line 23). Hence, Claim 1, along with Claims 2, 4 and 6 which depend from Claim 1, involve hardware, falling into at least one of the following statutory classes: machine; and manufacture.

In rejecting Claims 7-15 under 35 U.S.C. §101, the Examiner stated that these claims are nothing more than an abstract idea that is not a practical application producing a useful, concrete, and tangible result. Claim 7 has been amended to now recite, *inter*

*alia*, "providing a user discernable notification of said violation by triggering at least one of the plurality of user discernable indicators". Thus, claim 7 is directed to a method that produces a useful and tangible result, namely, providing a user discernable notification of a violation by triggering at least one of a plurality of user discernable indicators. Hence, Claim 7, along with Claims 8-15 which depend from Claim 7, produces a useful, concrete, and tangible result. Accordingly, all claims pending in this application are believed to satisfy 35 U.S.C. § 101. Reconsideration of the rejection is respectfully requested.

Claims 1-4 and 6-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0133586 0133586 to Shanklin et al. (hereinafter "Shanklin"). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatenable over Shanklin in view of United States Patent Publication No. 2002/0080784 to Krumel (hereinafter "Krumel"). Claims 16 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shanklin in view of U.S. Patent No. 6,185,624B1 to Fijolek et al. (hereinafter "Fijolek"). Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shanklin and Fijolek as applied to Claim 16, and further in view of Krumel.

It is respectfully asserted that none of the cited references either taken singly or in any proper combination, teach or suggest the following limitations now recited in amended Claim 1:

a firewall including a set of rules for identifying packets associated with inappropriate activity, the rules in the set being separated into a plurality of classes; and

an indicator device for providing a plurality of user discernable indicators, wherein each of the plurality of user discernable indicators is associated with a different one of the plurality of classes, and wherein a respective one of said plurality of user discernable indicators is triggered if one or more of said plurality of rules corresponding to one of said plurality of classes associated with the respective one of said plurality of user discernable indicators is violated

Furthermore, it is respectfully asserted that none of the cited references either taken singly or in any proper combination, teach or suggest the following limitations now recited in amended Claim 7:

separating the rules in the set into a plurality of classes;

associating each of the plurality of classes with a different one of a plurality of user discernable indicators;

examining data traffic to determine whether at least one of the rules has been violated; and

in the case that at least one of the rules of a first one of said plurality of classes has been violated, filtering said data traffic violating

the at least one of the rules of the first one of said plurality of classes and providing a user discernable notification of said violation by triggering a respective one of the plurality of user discernable indicators associated with the first one of said plurality of classes

Moreover, it is respectfully asserted that none of the cited references either taken singly or in any proper combination, teach or suggest the following limitations now recited in amended Claim 16:

a firewall program including a set of rules for identifying packets associated with inappropriate activity, the rules being separated into a plurality of classes, said firewall program being resident in said memory and executable by said controller to cause examining data of packets from said downstream and upstream circuitry; and

a plurality of user discernable indicators, wherein each of the plurality of user discernable indicators is associated with a different one of the plurality of classes and wherein a respective one of said plurality of user discernable indicators is triggered if one or more of the rules corresponding to one of said plurality of classes associated with the respective one of said plurality of user discernable indicators is violated

In rejecting Applicant's claims in the Office Action dated September 09, 2008, the Examiner primarily relied on the Shanklin reference. Applicant's invention can be distinguished from this reference is several respects.

The invention in Shanklin relates to monitoring data traffic and preventing the transmission of harmful data across data ports (Title; Paragraph [0002]). With respect to the TLIDS embodiment of his invention, Shanklin teaches that an alert may sent to a system administrator or a device after detecting unauthorized data packets (Paragraph [0073]). However, Shanklin fails to teach or suggest a notification system which requires "a plurality of user discernable indicators" to notify the user of inappropriate activity or harmful data.

Furthermore, Shanklin fails to teach or suggest "separating the rules into a plurality of classes". In the Office Action, the Examiner rejected Claim 2 stating "Shanklin teaches that an activity is determined using a plurality of rules divided into classes (set of attack parameters) indicative of levels of appropriateness [0074]." However, the Examiner's reliance on paragraph [0074] as showing such is misplaced. Paragraph [0074] of Shanklin teaches that a user can define certain rules, i.e., the attack parameters, for identifying an attack. However, this passage fails to show that these rules should be separated into a plurality of classes. Moreover, Shanklin fails to teach or suggest that each class is assigned a separate indicator that is triggered when a rule within the class has been violated.

Fijolek and Krumel also fail to teach or suggest the above-recited limitations of Claims 1, 7, and 16, and hence do not cure the deficiencies of Shanklin. Fijolek relates to

a management system for a cable modem on a data-over-cable system (col. 1, lines 6-8). It appears that the Examiner cited Fijolek to show a cable modem being used as a mid-switching device. However, Fijolek teaches little, if anything with respect to user discernable indicators or alerts. Therefore, Fijolek, like Shanklin, fails to teach the above recited limitations found in Claims 1, 7, and 16.

Krumel relates to PLD-based communication protocols for transmitting, receiving and configuring data across networks ([0001]). With respect to alerts, Krumel teaches sending an alert in response to an attack on the data protection system ([0116]). The reference teaches that a single multi-colored LED can be used as such alert ([0116]). However, Krumel does not teach or suggest anything with respect to separating rules into classes or assigning separate indicators to each class of rules and triggering the specific indicator associated with a class upon a determination that a rule within the class has been violated.

Accordingly, the combined teachings of all of the cited references fail to teach or suggest all of the elements found in Claims 1, 7 and 16. Therefore, Claims 1, 7 and 16 are patentably distinct over the cited references. Moreover, "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

All other claims depend from Claim 1, 7 or 16, or a claim which itself is dependent from one of these claims. Thus, these claims include all of the elements found in the claims from which they depend. Accordingly, these claims are also patentably

distinct over the cited references for at least the reasons set forth above with respect to independent Claims 1, 7, and 16.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of September 3, 2008 be withdrawn and that the pending claims be allowed.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

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